

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re J. Ezra Merkin and BDO Seidman Securities
Litigation

Case No. 08 Civ. 10922 (DAB)

NOTICE OF MOTION

PLEASE TAKE NOTICE that Plaintiffs, by their undersigned counsel, will move this Court, pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, before the Honorable Deborah A. Batts, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and a time designated by the Court, for an order, pursuant to Rule 59(e), amending the Court's Judgment entered September 28, 2011, in order to (i) correct clear errors of law, and (ii) grant permission, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, to file an amended complaint. The grounds for the motion are set forth in the accompanying Memorandum of Law in Support of Plaintiffs' Motion Pursuant to Rule 59(e) to Alter or Amend The Judgment, Declaration of Demet Basar in Support of Plaintiffs' Motion Pursuant to Rule 59(e) to Alter or Amend The Judgment, the exhibits attached thereto, and the entire record, file, and proceedings herein.

Any opposing affidavits and answering memoranda of law shall be served, in accordance with Local Civil Rule 6.1(b), within fourteen days after service of this Notice.

Plaintiff respectfully requests oral argument on this motion.

Dated: New York, New York
October 25, 2011

**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP**

By: /s/ Demet Basar
Demet Basar
Gregory M. Nespole

270 Madison Avenue
New York, New York 10016
Telephone: (212) 545-4600
Facsimile: (212) 545-4653
Email: basar@whafh.com
nespole@whafh.com

**ABBIEY SPANIER RODD &
ABRAMS, LLP**

Karin E. Fisch
Richard B. Margolies
212 East 39th Street
New York, New York 10016
Telephone: (212) 889-3700
Facsimile: (212) 684-5191
kfish@abbeyspanier.com
rmargolies@abbeyspanier.com